

REMARKS

This is intended to be a complete response to the Official Action mailed September 30, 2002, in which claims 1-13 and 14-15 were rejected, claim 13 was objected to and claims 16-30 were withdrawn from further consideration. Applicant has cancelled claims 1-30 herein without prejudice and has added new claims 31-64 for further examination.

First Rejection Under 37 C.F.R. §103

Claims 1, 2, 4-7, 9, 14, and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman et al. (US3,767,104); in view of Weder (US 4,297,811).

Bachman teaches a preformed paper cone having a perforated disc resting or attached within the cone for holding cut flowers. Weder '811 teaches a sheet having an adhesive thereon. Contrary to examiner's assertion, Weder '811 does not teach applying an adhesive to a "sleeve". The term "sleeve" has a conventional meaning in the floral industry as referring to a tubular device preformed to have an interior space into which flowers or flower pots are inserted. Weder '811 discloses no such device having adhesive thereon. Therefore, examiner's assertion that Weder '811 teaches a sleeve with an adhesive thereon and that it would be obvious therefore to apply an adhesive to the cone of Bachman is unfounded. Examiner has therefore failed to

establish a *prima facie* case of obviousness for modifying the teachings of Bachman by the teaching of Weder '811.

Further, examiner states that one would modify Bachman to add an adhesive to "attach the disc more securely to the sleeve". Applicant respectfully traverses this conjecture as well. Bachman has already indicated that the disc could be attached using tape (Col. 2, lines 22-23). Applicant asserts that one of ordinary skill in the art would not instead try to attach the disc to the sleeve via adhesive on the sleeve (rather than a tape) since that would (1) make it more difficult to attach the disc to the sleeve, and (2) cause the plants themselves to be adhesively attached to the sleeve. Neither of these events is desirable and both are contrary to Bachman's goal of having a cone which will "permit easy removal without damage to the flowers" (Col. 1, lines 26-27).

However, in the interest of expediting prosecution of the application, applicant has cancelled claims 1-30 without prejudice and has added new claims 31-64 which are directed to a decorative sleeve "consisting essentially of" a tapered first and second panel and an adhesive or cohesive bonding material disposed on an inner surface of the sleeve. A combination of Bachman and Weder '811 cannot arrive at a sleeve as now claimed since Bachman required use of an internal support disc for supporting the floral grouping.

In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims and allowance of the new claims submitted herewith.

Second Rejection Under 37 C.F.R. §103

Claims 3 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman et al. (US 3,767,104); in view of Weder (US 4,297,811); in further view of Landau (US 5,443,670).

In view of the above, and for the reasons given in the response to the first rejection under 35 U.S.C. §103 applicant traverses the rejection and respectfully requests reconsideration and withdrawal of the rejection under §103.

Third Rejection Under 37 C.F.R. §103

Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman et al. (US 3,767,104); in view of Weder (US 4,297,811); in further view of Hollmann (DE 3601207 A1).

In view of the above, and for the reasons given in the response to the first rejection under 35 U.S.C. §103 applicant traverses the rejection and respectfully requests reconsideration and withdrawal of the rejection under §103.

Fourth Rejection Under 37 C.F.R. §103

Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman et al. (US 3,767,104); in view of Weder (US 4,297,811); in further view of Landau (US 5,235,782).

In view of the above, and for the reasons given in the response to the first rejection under 35 U.S.C. §103 applicant traverses the rejection and respectfully requests reconsideration and withdrawal of the rejection under §103.

Secondary References

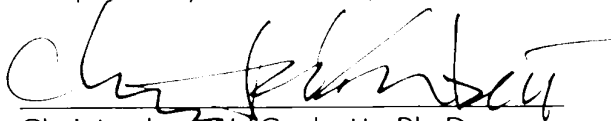
In the official action, several references including Weder et al. ('401), Weder ('601), Gilbert ('903), Amberg ('633), Weder ('476), Whelan ('631), Shapiro ('573), Merta ('920), Amberg et al. ('010), JP2-138948, JP2000-257131, JP2000-210038, and WO 96/33920 were cited.

The secondary references have been reviewed and it has been determined that none of the references teach the invention as claimed herein.

CONCLUSION

In view of the above, Applicant respectfully submits the claims are now in a condition for allowance and respectfully request reconsideration and withdrawal of the rejections and issuance of a Notice of Allowance thereof.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher W. Corbett", is written over a horizontal line.

Christopher W. Corbett, Ph.D.

Reg. No. 36,109

DUNLAP CODDING & ROGERS, P.C.

P.O. Box 16370

Oklahoma City, Oklahoma 73113

Telephone: 405/478-5344

Facsimile: 405/478-5349

Agent for Applicant